

## REMARKS/ARGUMENTS

The Official Action and the cited references have been carefully reviewed. The review indicates that the claims, especially as amended, recite patentable subject matter and should be allowed. Reconsideration and allowance are therefore respectfully requested.

Prior to contending with the grounds upon which the rejections have been based, a brief summarization of the inventive advance of a method and apparatus for efficient selection and acquisition of a wireless communications system will be described for purposes of facilitating easier grasp of the invention, and to establish a clearer line of distinction between the invention method and apparatus compared to that disclosed in the cited and applied references of Mazzara and Bamburak et al.

The invention describes a method and apparatus for efficiently selecting and acquiring a wireless communications systems, (as opposed to the prior art where each failed attempt may take up to 20 seconds and may be caused by a variety of factors, i.e., inability to detect a pilot signal or a blocked or weakened signal due to physical obstructions) wherein a mobile station is adapted to avoid unusable wireless communications systems during system acquisition – the mobile station including processing circuitry and a memory storing a preferred roaming list and system avoidance data. The system avoidance data identifies unusable systems and includes corresponding avoidance criterion, so that the processing circuitry selects a system from the preferred roaming list based upon a predetermined system acquisition procedure, wherein the selection system is skipped if corresponding avoidance criterion is satisfied. If the

selected system is useable, the mobile station may attempt to acquire and register with the selected system. Also, the processing circuitry is further adapted to add systems to the system avoidance data responsive to a communications failure, and remove systems from the system avoidance data when corresponding avoidance criterion is no longer satisfied.

Claims 1-24 were rejected as being unpatentable over Mazzara in view of Bamburak et al under 35 USC 103(a).

Applicant respectfully traverses the rejection and request reconsideration for reasons hereafter set forth.

A careful review of Mazzara shows that its objective is to provide a method for establishing a wireless service connection for a mobile vehicle to a cellular network, using preferred carriers and procedures depending on the geographical region in which the mobile vehicle is located, and overcoming the deficiencies and obstacles thereto by prioritizing a portion of a system access list based on a channel identifier in a first band; selecting a secondary channel that is not in the system access list portion in response to a failed connection notification from channels in the system access list portion, wherein the connection notification comprises a rejection of a call origination and comprises a rejection of an attempt to register with a carrier.

It is uncontroversially clear that the deficiency in Mazzara of failing to include corresponding avoidance wireless criterion for not using the wireless communications system is not compensated for by any teachings in the secondary reference of Bamburak et al. As is clearly indicated on Applicant's specification in paragraph [0010] the avoidance criterion includes an avoidance time that is equal to a current time plus an

avoidance duration. The avoidance duration may be found in a lookup table that includes an entry for each of a plurality of communications failures and corresponding avoidance durations.

It is manifestly clear that Mazzara evidences no appreciation for or acknowledgement of Applicant's essential component of a necessary and indispensable avoidance criterion to prevent any failed registrations/acquisition attempts that are common and time consuming that may take up to 20 seconds due to a variety of factors such as the mobile device being unable to detect a pilot signal transmitted from a system base station if the pilot signal is blocked or weakened by physical obstructions (as related in [0005] of Applicant's specification).

This glaring deficiency of Mazzara is not compensated for by any teachings in the secondary reference of Bamburak et al. which disclose a method for categorization of multiple providers in a wireless communications service environment wherein, after power-up, a mobile communications device (cellular telephone) checks the most recently used control channel to determine whether an optimal service provider is available on that channel, and if an optimal service provider is not available or if that channel is not available, the mobile device performs a search through frequency spectrum in a predetermined order until an optimal or acceptable service provider is located, as is illustrated in FIG. 4 by the flowchart illustrating a spectrum searching routine. Therefore, even though Bamburak et al. is generally in the field of endeavor of operating cellular phones in a wireless communications service environment, it too, makes no reference to or acknowledgement of, a method for efficiently selecting and acquiring a preferred

wireless communications system to avoid situations where failed registration/acquisition attempts are common and time consuming to the extent that each failed attempt make take up to 20 seconds and may be caused by the cellular phone being unable to detect a pilot signal transmitted from a system bay station if the pilot signal was blocked or weakened by physical obstructions – let alone provide any solution thereto.

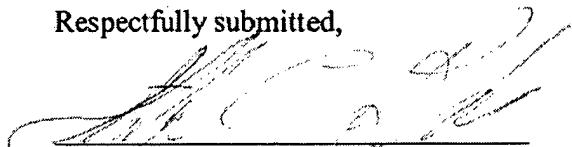
Accordingly, even if arguendo the combination of Mazzara and Bamburak et al were tenable – and Applicant contends that it is not for reasons already explained – the combination would not arrive at the method and apparatus recited in Applicants claims. Neither would the combination in the Applicant's claims be rendered obvious under the established guidelines of 35 USC 103(a).

Withdrawal of the rejection is respectfully requested.

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In view of the foregoing Amendments, Remarks and Arguments, it is believed that the Application is now in condition for allowance and early notification of the same is earnestly solicited.

Respectfully submitted,



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